

HOUSE BILL 1278

R3

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By: **Delegate McComas**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Drugged Driving – Test**

3 FOR the purpose of altering certain requirements for a police officer requesting,
4 requiring, or directing a certain test for drug or controlled dangerous substance
5 content for a person driving or attempting to drive a vehicle; and generally
6 relating to altering certain requirements for a certain test for drug or controlled
7 dangerous substance content.

8 BY repealing

9 Article – Transportation
10 Section 16–205.1(i)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2009 Supplement)

13 BY adding to

14 Article – Transportation
15 Section 16–205.1(i)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 16–205.1.

22 [(i) Notwithstanding any other provision of this section, a test for drug or
23 controlled dangerous substance content under this section:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) May not be requested as described under subsection (b) of this
2 section, required as described under subsection (c) of this section, or directed as
3 described under subsection (d) of this section, by a police officer unless the law
4 enforcement agency of which the officer is a member has the capacity to have such
5 tests conducted;

6 (2) May only be requested as described under subsection (b) of this
7 section, required as described under subsection (c) of this section, or directed as
8 described under subsection (d) of this section, by a police officer who is a trainee, has
9 been trained, or is participating directly or indirectly in a program of training that is:

10 (i) Designed to train and certify police officers as drug
11 recognition experts; and

12 (ii) Conducted by a law enforcement agency of the State, or any
13 county, municipal, or other law enforcement agency in the State described in items
14 (3)(i)1 through 12 of this subsection:

15 1. In conjunction with the National Highway Traffic
16 Safety Administration; or

17 2. As a program of training of police officers as drug
18 recognition experts that contains requirements for successful completion of the
19 training program that are the substantial equivalent of the requirements of the Drug
20 Recognition Training Program developed by the National Highway Traffic Safety
21 Administration; and

22 (3) May only be requested as described under subsection (b) of this
23 section, required as described under subsection (c) of this section, or directed as
24 described under subsection (d) of this section:

25 (i) In the case of a police officer who is a trainee, or who is
26 participating directly or indirectly in a program of training described in paragraph (2)
27 of this subsection, if the police officer is a member of, and is designated as a trainee or
28 a participant by the head of:

29 1. The Department of State Police;

30 2. The Baltimore City Police Department;

31 3. A police department, bureau, or force of a county;

32 4. A police department, bureau, or force of an
33 incorporated city or town;

34 5. The Maryland Transit Administration Police Force;

- 1 6. The Maryland Port Administration Police Force of the
2 Department of Transportation;
- 3 7. The Maryland Transportation Authority Police Force;
- 4 8. The Police Force of the University of Maryland or
5 Morgan State University;
- 6 9. The police force for a State university or college under
7 the direction and control of the University System of Maryland;
- 8 10. A sheriff's department of any county or Baltimore
9 City;
- 10 11. The Natural Resources Police Force or the Forest and
11 Park Service Police Force of the Department of Natural Resources; or
- 12 12. The security force of the Department of General
13 Services; or

14 (ii) In the case of a police officer who has been trained as a drug
15 recognition expert, if the police officer is a member of, and certified as a drug
16 recognition expert by the head of one of the law enforcement agencies described in
17 items (3)(i)1 through 12 of this subsection.]

18 **(I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A**
19 **TEST FOR DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT UNDER**
20 **THIS SECTION MAY BE REQUESTED UNDER SUBSECTION (B) OF THIS SECTION,**
21 **REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, OR DIRECTED UNDER**
22 **SUBSECTION (D) OF THIS SECTION BY A POLICE OFFICER WHO HAS:**

23 **(1) REASONABLE GROUNDS TO BELIEVE THAT THE PERSON WAS**
24 **DRIVING OR ATTEMPTING TO DRIVE IN VIOLATION OF § 21-902(C) OR (D) OF**
25 **THIS ARTICLE; OR**

26 **(2) EVIDENCE OF THE USE BY THE PERSON OF ALCOHOL, A DRUG,**
27 **A COMBINATION OF DRUGS, A COMBINATION OF ONE OR MORE DRUGS AND**
28 **ALCOHOL, OR A CONTROLLED DANGEROUS SUBSTANCE.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2010.